

REMARKS

Claims 1-7, 9-11 and 13-17 are pending. These claims have been rejected. Claims 1 and 16 are independent claims.

Information Disclosure Statement

For the information of the Examiner, an Information Disclosure Statement was filed on October 27, 2005.

Foreign Priority

The indication that the foreign priority has been received and placed in the file is noted.

Drawings

The indication that the drawings have been accepted is noted.

Reply to Rejections

First Rejection

Claims 1-4 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Okamoto et al. This rejection is traversed.

In explaining the rejection under 35 U.S.C. § 102, the Examiner asserts that at least the structure in base claim 1 of “the base plate has an inner edge 24 in contact with the inner edge of the inner panel” is now in Okamoto et al. In stating the rejection, the Examiner asserts that in Figure 3 there is an element channel 7, which is in contact with the base plate B and the inner edge of the base plate was identified as element 24. However, element 24 is not a part of the

base plate. Element 24 is a waterproof packing 24 of the inner panel B. See column 3, lines 48-50 of the reference.

As each and every limitation of the base claim are not shown, either specifically or inherently, a rejection under 35 U.S.C. § 102 is not viable. Even if it were a possibility or probability that the reference showed what is claimed, which it does not, a rejection under 35 U.S.C. § 102 cannot be based on a possibility or probability, as explained in *Continental Can Co. U.S.A. Inc. v. Monsanto Co.*, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991) [cited in the M.P.E.P.], wherein the Court stated as follows:

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

The dependent claims are considered patentable at least for the same reasons as the base claim.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. § 102.

Second Rejection

Claims 1, 5, 6, 9-11 and 13-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sakaguchi et al. This rejection is traversed.

In explaining the rejection, the Examiner asserts that the feature of “the base plate has an inner edge in contact with the inner edge of the inner panel” is shown in Figure 2. Further, in explaining the rejection on page 4, the Examiner asserts that “the base plate includes an inner edge which comprises that portion of the base plate which is bolted to the inner panel. See figure

3.” However, in Figure 3, it is “the front end portion 12b of the door module 12 may be fixed by using a bolt 53 and the rear end portion 12a of the door module may be fixed to the inner panel 11 using a bolt 54.” The Examiner’s comments at best are a possibility or probability, which is not a viable rejection under 35 U.S.C. § 102. See the case citation in reply to the first rejection. *Supra.*

With respect to the rejection of base claim 16, this claim also has the feature that “which is attached to the inner panel by an inner edge of the base plate.” It is submitted that this structure is not specifically or inherently disclosed in the reference.

The dependent claims are considered patentable at least for the same reasons as their base or intervening claims.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. § 102.

Third Rejection

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakaguchi et al. as applied to claims 1, 5, 6, 9-11 and 13-16, above, and further in view of Baldamus et al. This rejection is traversed.

The addition of Baldamus et al. does not cure the innate deficiencies of a rejection based on Sakaguchi et al., even though a rejection under 35 U.S.C. § 103 was used.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claim under 35 U.S.C. § 103.

Reply to Response to Arguments

On page 4 of the Office Action, the Examiner replied to the previous arguments. It is considered that the traverse of the rejections above addresses the Examiner's position.

Conclusion

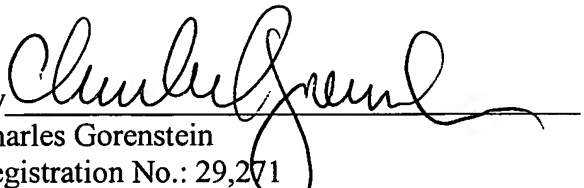
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 10, 2005

Respectfully submitted,

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